

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOEL PAREDES,  
Plaintiff,  
v.  
ROBERT BURTON,  
Defendant.

NO. CV 19-10311-JFW (AGR)

ORDER TO SHOW CAUSE

On December 5, 2019, Plaintiff filed a civil rights complaint. For the reasons discussed below, the Court orders Plaintiff to show cause, on or before ***January 6, 2020***, why this Court should not transfer the complaint to the Eastern District of California.

I.

**THE COMPLAINT**

Plaintiff names the following defendant: Robert Burton, the Warden of the Deuel Vocational Institute in Tracy, California. (Compl. at 3.) He alleges that the prison conditions, including lack of sanitation or cleaning supplies and broken or missing windows in winter, violate his Eighth Amendment rights. (*Id.* at 5-6.)

1 **II.**

2 **VENUE**

3 “A civil action wherein jurisdiction is not founded solely on diversity of  
4 citizenship may, except as otherwise provided by law, be brought only in (1) a  
5 judicial district where any defendant resides, if all defendants reside in the same  
6 State, (2) a judicial district in which a substantial part of the events or omissions  
7 giving rise to the claim occurred, or a substantial part of property that is the  
8 subject of the action is situated, or (3) a judicial district in which any defendant  
9 may be found, if there is no district in which the action may otherwise be brought.”  
10 28 U.S.C. § 1391(b); see *Costlow v. Weeks*, 790 F.2d 1486 (9th Cir. 1986)  
11 (applying § 1391(b) to § 1983 claim).

12 All defendants in this action, and all of the events or omissions giving rise  
13 to Plaintiff’s claims occurred in Tracy, California. Tracy is in San Joaquin County,  
14 which is in the Eastern District of California. 28 U.S.C. § 84(b).

15 Accordingly, Plaintiff must explain why this action should not be dismissed.  
16 See *Costlow*, 790 F.2d at 1488 (“the district court ha[s] the authority to raise the  
17 issue of defective venue on its own motion”); see 28 U.S.C. § 1406(a) (“The  
18 district court of a district in which is filed a case laying venue in the wrong . . .  
19 district, shall dismiss, or if it be in the interest of justice, transfer such case to any  
20 district . . . in which it could have been brought.”).

21 **III.**

22 **ORDER TO SHOW CAUSE**

23 IT IS THEREFORE ORDERED that, on or before **January 6, 2020**, Plaintiff  
24 shall show cause, if there be any, why this Court should not transfer the action to  
25 the Eastern District of California. See *Offshore Sportswear, Inc. v. Vuarnet Int’l,*  
26 *B.V.*, 114 F.3d 848, 851 (9th Cir. 1997).

1           ***Plaintiff is also advised that if he fails to timely respond to this Order***  
2 ***to Show Cause, the Court will transfer the action to the Eastern District of***  
3 ***California.***

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5  
6 DATED: December 13, 2019



ALICIA G. ROSENBERG  
United States Magistrate Judge